The question that is now raised does not relate to the inherent rights of the subjects of Her Highness the Maha Rani Regent to use the public roads in the State. As I understand the adjournment motion, it signifies the disapproval of this House in the matter of the procedure adopted by the Government in arresting certain people who in the opinion of some members were exercising a legal right. As I said a little while ago, that is a matter which is before a Court of Law, and as such it is *sub judice*. According to all accepted canons, a resolution cannot be moved on a matter which is *sub judice*. If a resolution cannot be moved on that subject you cannot move the adjournment of the business of the House thereon. Therefore I disallow the motion.

## LEGISLATION.

### FINAL READING OF THE CENSUS BILL.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Travancore Census Bill be finally read and passed.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara cum Kartikapalli*): I oppose the motion. According to Standing Order 42, after the second reading of a Bill the member in charge of it may move that it may be taken up and passed at a subsequent *meeting*. What I wish to submit for your consideration is, Sir, that this is not a meeting subsequent to the one which took place yesterday. All these form part of the same meeting.

There is much difference between a *meeting* and a *sitting for a day*. That could be seen by a comparison of Standing Order No. 3 (*b*) and Standing Order No. 7 (1). Standing Order No. 3 (*b*) says that the Secretary shall at least fourteen clear days before the date fixed for each meeting send to every member a provisional list of legislative business to be brought forward at such meeting. After sending such provisional list, the Secretary shall send to every member a statement of the business to be transacted at such meeting so as to reach his permanent or Trivandrum address at least three days before the date of each meeting.

Standing order No. 7 (1) says that a list of business for the day shall be prepared by the Secretary and circulated to all the members.

What I am submitting, Sir, is that a meeting comprises a continuous sitting of the Council for a number of days until it is adjourned *sine die*.

If we refer to Standing Order 9 we would find that the first hour of every sitting shall be available for the asking and answering of questions. It is therefore clear, there also, that distinction is drawn between 'sitting' and 'meeting'. Standing Order 5 (1) says:—

'While in session, the Council, shall, subject to the direction of the Dewan, ordinarily sit at 11·30 A. M.'

I shall also refer to Legislative Council Rule 19 (1) where it is stated that not more than one adjournment motion shall be made at the same *sitting*.

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So, what I submit is that today's sitting is only a continuation of yesterday's meeting which is to end according to the agenda three days hence; and this day's sitting cannot be called a subsequent *meeting*. Therefore I submit that the third reading of the Census Bill today is out of order.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Mr. Asan has not cited any authority to say that '*meeting*' means *only* a number of sittings considered together as a whole.

**DEPUTY PRESIDENT**: Is the word '*meeting*' defined in the Statute?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): The definition simply says that '*meeting*' means a *meeting of the Council*. It is not therefore useful for the present purpose.

**MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*): May I know from the Law Member what is his authority to show that '*meeting*' means a day's sitting?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): I shall come to that. What I submitted was that Mr. Asan did not cite any authority to show that '*meeting*' means *only* a number of sittings together. The word '*meeting*' has not been fully defined in the Rules or the Standing Orders.

**MR. S. PJRAVIPERUMAL PILLAI** (*Commerce and Industry, South*): May I know from the Law Member whether, for an interpellation that is to be answered today, it would be enough if twelve days' clear notice is given from this date?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): I shall answer that point when it arises.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): If he anawers it now, would it not be of help to us to know what the meaning of the word '*meeting*' is? As the Law Member of this House, is it not his duty to elucidate such points?

**DEPUTY PRESIDENT**: Mr. Paramesvaran Pillai says that he is not prepared to answer it since it is merely a hypothetical question now.

**MR. A. THANU PILLAI** (*Trivandrum*): May I know from the Law Member whether the meaning of a term is not to be determined with reference to the several Rules and Standing Orders in which it occurs?

**DEPUTY PRESIDENT**: Wait, please, Mr. Thanu Pillai; perhaps his explanation would be more satisfactory if you hear him.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): The word '*meeting*' has not been defined in the Rules and Standing Orders. The definition that occurs in the Rules and Standing Orders simply states that '*meeting*' means a meeting of the *Council*. That definition merely shows that the word '*meeting*' when it is used in the Rules and Standing Orders, refers only to the meetings of the *Council* and not those of a Select Committee, or of the Popular Assembly or of the Municipal Council or of some other body. Apart from this definition, which does not throw any light on the point now under discussion

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the word '*meeting*' has not been defined anywhere. Therefore the word has to be interpreted in accordance with its usual meaning and with reference to the context in which it is used and with reference to the practice of applying the Rule in question, here and elsewhere.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara cum Kartikapalli*) : Does the Law Member know that when Mr. A. G. Menon sought to introduce his Kanapattom Bill on the first non-official day of a prior meeting of the Council, even though the members had received provisional list of business before fourteen days from that particular day, it was disallowed merely because there was not fourteen clear days' notice counting from the first day of that meeting?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*) : I shall refer to it later on if necessary. Let me now proceed with my argument. I was submitting that the word '*meeting*' has to be interpreted with reference to the context and with reference to the practice here and elsewhere. I am prepared to concede that the word '*meeting*', particularly as it has been used in our Rules and Standing Orders, is capable of two interpretations. In some places it clearly refers to a number of continuous sittings together called by one summons of the Dewan. At the same time I contend also that in some other places it clearly means a day's meeting started by the assembling of the members in the morning of the day. It is capable of both the interpretations. What the correct interpretation is in the present instance, what is the meaning that is really intended, in the present case or in any particular instance, has to be ascertained with reference to the context and the practice here and elsewhere.

In regard to the point now under discussion, namely what the word '*meeting*' means in regard to the final reading of a Bill, I contend that it only means a day's meeting started by the assembling of the members in the morning of a day. Before I refer to the practice in the matter in this House and elsewhere, I shall refer to certain provisions in our Rules and Standing Orders where the word '*meeting*' necessarily means and could only mean a day's sitting. For instance, there is Rule 23 of the Legislative Council Rules which deals with the quorum for a meeting. It says :—

'The presence of at least fifteen members is necessary to constitute a meeting of the Council for the exercise of its powers'

And then, Standing Order 15 says: —

'If within half an hour from the time appointed for holding a meeting on any day, the quorum specified in Rule 23 of the Legislative Council Rules is not present, or the President on a count at any time during a sitting ascertains that fifteen members are not present he shall adjourn the Council till the next day on which the Council ordinarily sits.'

It is clear that in these provsions the word '*meeting*' can mean only a day's sitting. I am sure that Mr. Asan cannot contend that for a meeting of five consecutive days together it would be enough if there is quorum on the first day alone.

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**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*): During a particular sitting, if the required quorum of members is not present, would it amount to a meeting?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): It may be a meeting without any power to transact business. This is what the Standing Order I referred to says:

'If within half an hour from the time appointed for holding a meeting on any day, the quorum specified in Rule 23 of the Legislative Council Rules is not present,..... .....he shall adjourn the Council"

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): What is the meaning of these words in Standing Order 15:

' or the President on a count at any time during a *sitting* ascertains that 15 members are not present.'

The word used is '*sitting*' and not '*meeting*'.

**DEPUTY PRESIDENT**: The words; '*sitting*' and '*meeting*', have been used synonimously; that is the Law Member's contention. That is why he says that the interpretation depends upon the context.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): In regard to our Rule 23 and Standing Order 15, what I am submitting is, Sir, that in a meeting of five consecutive days, beginning from a Monday for instance, it would not be enough if 15 members are present on Monday alone. It cannot certainly mean that no quorum is necessary for Tuesday, Wednesday, Thursday and Friday. That is what it would mean if Mr. Asan's contention that the word 'meeting' always means and could only mean a number of consecutive sittings together.

And then another rule, namely, Rule 28 lays down: —

'28 (1) The President shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order.

(2) He may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Council, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting.....'

It is clear here that the word '*meeting*' refers only to a day's meeting. Rule 28 goes on to say—

'————if any member is ordered to withdraw a second time in the same Session, the President may direct the member to absent himself from the meetings for any period not longer than the remainder of the Session,————'

It seems to me that the word '*meeting*' is used here with reference to a day's meeting.

Let us then refer to Standing Order 26. It says:

'A motion that any meeting or business be adjourned or postponed or that the Council pass to the business next in order in the statement of business may be moved at any time and without previous notice as a distinct question but not so as to interrupt a speech.....'

Here, certainly it does not mean that all the subsequent days' sittings are also to be adjourned if a motion is passed. It could only mean that the day's meeting is to be adjourned.

'Any meeting of the Council may be adjourned by the Presiding Authority'.

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Perhaps, Section 9 (2) of the Regulation may also apply to the point now under discussion. Section 9 (2) of the Travancore Legislative Council Regulation says:

'Any meeting of the Council may be adjourned by the presiding authority.'

Here also, it seems to me, that the word '*meeting*' means only a day's meeting.

**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*): Apart from all these, may I know whether the Law Member has any authority as to the meaning of the word '*meeting*', any authority from the Parliamentary proceedings, for instance?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): My point is that the practice of this House as well as the practice elsewere would lend support to my contention that in regard to the final reading of a Bill 'meeting' means a day's meeting.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): Is there any instance of the practice of this House in the matter?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Yes. But I must say that this question was not specifically raised in the form in which it has now been raised. I do know however that this has been the practice of this House.

Literally and also etymologically, the word '*meeting*' means only the assembling of some members. Yesterday the members assembled at 11-30 A. M. and there has been a meeting. Today also the members have assembled at 11-30 A. M. and therefore we are having another meeting. This is, etymologically and also literally, the meaning of the word '*meeting*'.

There is also another reason why in the present instance the word '*meeting*' means and could mean only a day's meeting, although I concede that there may be other instances in our Rules and Standing Orders where it may mean a number of consecutive days' sittings together *called by a single summons of the Dewan*. The provision in our Rules relating to the final reading has been borrowed from the corresponding provisions of similar Houses in British India, more particularly the provisions relating to the Legislative Assembly. The wording in the corresponding provision in the Legislative Assembly Rules is different; and there it has been clearly stated that a Bill may be passed even at a subsequent *day's* meeting. Therefore, when I refer to the corresponding provision in the Legislative Assembly Rules it should not be taken that the interpretation of the word '*meeting*' could be directly drawn from there. I am referring to it merely to show that the practice in the Legislative Assembly, the source from which our provisions have been copied, is to allow the passing of Bills even on a subsequent *day's* meeting.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): If it was the intention of the framers of our Rules also to have the same practice in this matter as in the Assembly, may I know why the wording of the corresponding Rules of the Legislative Assembly was not copied *verbatim* when our Rules were prepared?

LIBRARY ARCHIVES Kerala Legislative Assembly

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I cannot say. I can only say that when the framers of our Rules thought it fit to have the Rules of the Legislative Assembly as the model, it could not have been their intention to have a different practice in this matter alone so far as our Legislative Council is concerned. As I have already stated, I am now referring to the Rules of the Legislative Assembly merely to show what the practice there is in the matter of the passing of Bills. And my point in referring to the practice here and elsewhere in this connection is that, since the meaning of the word '*meeting*' is not quite clear here and since it has been used in some provisions with reference to a day's meeting and in others with reference to a number of consecutive days' meetings together called by a single summons of the Dewan, the procedure followed in other Assemblies,—particularly in our model, namely, the Legislative Assembly, would be useful in showing what procedure was intended by the framers of our Rules. If it is quite clear that the word '*meeting*' in our Standing Order 42 means only a number of consecutive days' sittings together, then certainly there would be no need for referring to the practice elsewhere. We *have* to follow our Rules, *if they are quite clear and free from doubt*, irrespective of the Rules and procedure elsewhere. But, unfortunately the meaning of the word '*meeting*' as used in the Rule in question is not quite clear. That is why I am referring to the practice and procedure elsewhere in regard to the final passing of the Bills.

The relevant provision in the Standing Orders of Legislative Assembly is Standing Order No. 48. It says:

'When a motion that a bill be taken into consideration has been carried and no amendment of the bill is made, the member in charge may at once move that the bill be passed.

(2) If any amendment of the bill is made, any member may object to any motion being made, on the same day, that the bill be passed, and such objection shall prevail, unless the President, in the exercise of his power to suspend this Standing Order, allows the motion to be made.

(3) Where the objection prevails, a motion that the bill be passed may be brought forward on any future day'.

That is the rule there ; and it is not capable of any ambiguity or variety of interpretations. It clearly states that the Bill could be brought forward on any subsequent *day*. My point therefore is that, so far as the final passing of Bills is concerned the intention of the framers of our Rules also must have been to allow the passing of Bills even at a subsequent day's meeting; because our Rules and Standing Orders had their source in the Rules and Standing Orders of the Assembly.

MR. S. PIRAVIPERUMAL PILLAI (*Commerce and Industry, South*) : Is the Law Member aware that, in the Legislative Assembly, if copies of a Bill are not supplied to all the members of the Assembly, the Bill cannot be moved in the Assembly although it might have been published in the Gazette ?



LIBRARY ARCHIVES Kerala Legislative Assembly

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am prepared to take the assurance of my friend Mr. Piraviperumal Pillai for the present purposes without committing myself to the absolute accuracy of that statement.

What I was submitting was that when we feel any doubt as to the meaning of the word '*meeting*', any doubt as to whether it refers to *a day's meeting* or to the sittings of a number of days considered together *called by a single summons of the Dewan*, we may refer to the procedure in the Indian Legislative Assembly. In the Assembly, as I have already stated, Bills may be taken up and passed even at a subsequent *day's* meeting.

I do not think I need refer to the Rules of the Council of State as they are practically the same as those of the Legislative Assembly.

In Madras also, the Rules are practically the same. There, the relevant Standing Order is No. 49. The word that they have used is '*sitting*'. Standing Order No. 49 of the Madras Legislative Council runs as follows :

'49 (2) If any amendment be made, any member may object to the passing of the bill at the same sitting ; and such objection shall prevail, unless the President, in the exercise of his power to suspend this order, allows the bill to pass.

(3) Where the objection prevails, the bill shall be brought forward again at a future sitting ; and may then be passed with or without further amendment.'

As I have already stated, the word '*sitting*' has been used in Madras. *We* use the word '*meeting*'; and the Legislative Assembly use the word '*day*'. It seems to me, all the three mean the same thing. Of course, as I was submitting, if there had been no doubt whatever as to the meaning of the word '*meeting*' as used in our Standing Order, now in question, there would have been no necessity for any reference to the practice elsewhere. We would then have to follow our Rules irrespective of the procedure elsewhere. But since the word, as it occurs in our Rules, is capable of ambiguity, I submit that the usual practice in other similar Houses must prevail here also.

Coming to the practice of this House, I have been able to find out two Bills which were taken up on for consideration *i. e.*, the second reading, on the 13th August 1925 and were finally read and passed on the 14th of the same August.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Was any objection raised as a point of order ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No. I submit that is all the more reason why my interpretation of the word '*meeting*' should prevail. Various objections, various points of law were raised in regard to those Bills, but not this point. That clearly shows that the word '*meeting*' was understood to mean only a *day's* meeting. The passing of the Bills the very next day was not objected to. I have also referred to the practice elsewhere in Madras and in the Legislative Assembly. With regard to the Census law itself, it was taken up and passed on the same day in the Indian Legislative Assembly.

LIBRARY ARCHIVES Kerala Legislative Assembly

I therefore submit that the word '*meeting*' in our Standing Order No. 42, can only refer to a meeting on any *day* subsequent to the day on which the Bill was taken up for consideration and read the second time. Therefore, I would be perfectly right, and acting in accordance with the Standing Orders, if I move for the final reading of the Census Bill even to day.

**MR. S. PIRAVIPERUMAL PILLAI** (*Commerce and Industry, South*): I wish to make a few observations with regard to the point of order that has been raised by Mr. Damodaran Asan. The Law Member has now interpreted the word '*meeting*' as '*a day's sitting*'.

**DEPUTY PRESIDENT:** Only in this particular context.

**MR. S. PIRAVIPERUMAL PILLAI** (*Commerce and Industry, South*): On a previous occasion when the word '*meeting*' was the subject of interpretation in this House, the Law Member himself maintained that the word '*meeting*' was different from *a day's sitting* and refers to the meetings of several consecutive days together.

Rule 9 of our Rules says:

'A member who wishes to ask a question shall give notice in writing to the Secretary at least twelve clear days before the date fixed for the meeting at which he desires to put the question.....'

On a previous occasion when I interpreted the word '*meeting*' in this Rule 9 as meaning only the meeting on *the day* on which the interpellation is to be put, and submitted that the twelve days' notice should be calculated only from the day on which the question is to be answered, I got a reply from Government that the word '*meeting*' refers to all the consecutive days of the meeting and that as such the twelve days of notice should be calculated from the date of the first day of the meeting.

**DEPUTY PRESIDENT:** Was there a ruling from the Chair to that effect?

**MR. S. PIRAVIPERUMAL PILLAI** (*Commerce and Industry, South*): There was no ruling from the Chair. My correspondence was with the Secretary and therefore I thought the Secretary would have replied under instructions from the President.

Then again, Sir, there is Standing Order No. 3 which provides for the time and place of notice of meetings. In that Standing Order if the word '*meeting*' is to be interpreted as the Law Member now suggests, it would mean that we could claim three week's notice for each day's meeting. However, it is consoling for us, the members on this side of the House, to note that even the Law Member interprets the word '*meeting*' to mean only a *day's* meeting. I am sure this interpretation, *if it is consistently kept up*, would be of immense use to us.

**DEPUTY PRESIDENT:** Have you anything to say with reference to the Rules and Standing Orders which had been referred to by the Law Member?

LIBRARY ARCHIVES Kerala Legislative Assembly

**MR. S. PIRAVIPERUMAL PILLAI** (*Commerce and Industry, South*): I have nothing to say specifically with reference to the provisions quoted by the Law Member. My point is that each day's sitting could be called a '*meeting*' only if notice is given for each day's sitting. On a consideration of the several provisions, in our Rules and Standing Orders, in which the word '*meeting*' occurs, I am inclined to think that it means the sittings of all the consecutive days together and *not* a single *day's* meeting.

**DEPUTY PRESIDENT**: Would you like to make any observation Mr. Asan?

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): The Law Member has not in any way explained the Rules and Standing Orders to which I referred. Moreover, the Law Member has quoted Standing Order 48 of the Legislative Assembly, Standing Order 49 of the Madras Legislative Council, and Standing Order 42 of our Council also, only to show that there is much difference between the words '*day*', '*sitting*' and '*meeting*'. If it is not for the purpose of making a distinction or a deviation from the Rules of the Assembly or of the Madras Legislative Council, I do not see any reason why a different word should have been used in our Rules.

And then, with regard to the precedent quoted by the Law Member by referring to the Standing Orders of the Legislative Assembly, what I have to submit is that it has been clearly stated there that the Bill may be passed on a future '*day*'. That is not the wording here. So, that does not apply to the present instance, nor does it take the Law Member a step in advance.

The Law Member was referring to Rule No. 28 (2) of our Rules where the expression used is "remainder of the *day's* meeting". If the expression '*meeting*' means only a day's sitting as the Law Member now seems to suggest, the expression that should have been used in the Rule is 'remainder of the meeting'. The fact, that it has been clearly stated in the Rule as 'the day's meeting', clearly shows that the Rule refers only to the remainder of that particular date and not to the several days of the meeting.

**DEPUTY PRESIDENT**: What have you to say to Rule 23 and Standing Order 15?

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): Though the Law Member has not answered *my* questions, or solved my difficulties, I shall answer *his* points.

**DEPUTY PRESIDENT**: I leave it absolutely to *your* judgment. In common fairness, the Law Member has conceded that the word '*meeting*' as it has been used in our Rules and Standing Orders, is capable of being interpreted in both ways.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): I did concede and *do* concede that in some of our Rules and

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Standing Orders the expression means a number of days' sittings together called by a single summons of the Dewan.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): All that Rule 23 says is that the presence of at least 15 members is necessary to constitute a meeting of the Council for the exercise of its powers. Standing Order 15 says that if at any time it is found that 15 members are not present the meeting should not proceed. What is stated in Rule 23 is supplemented by Standing Order 15. That is all.

**DEPUTY PRESIDENT**: Take Rule 23 by itself, Mr. Asan.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): Rule 23 and Standing Order 15 go together.

**DEPUTY PRESIDENT**: What is the meaning of the word '*meeting*' in Rule 23, or Standing Order 15?

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): It means the continuous sitting for days together until adjournment *sine die*. If notice is given to the members that a meeting would take place at 11·30 on a particular day, and if, at that time, not less than 15 members are not present, the meeting would have to be postponed to another day. But if the meeting had been begun and if it is found, at any time, by the President that there is no quorum, the meeting would have to be adjourned to another day. That is what Standing Order 15 says. Rule 23 makes the provision for the procedure to be adopted *at* the commencement of the meeting; and Standing Order 15 provides for the procedure to be adopted *after* the commencement of the meeting. This is what Standing Order 15 says:

"If within half an hour from the time appointed for holding a meeting on any day the quorum specified in Rule 23 of the Legislative Council Rules is not present or.....",

Up to that, Standing Order 15 refers only to Rule 23; and then Standing Order 15 goes on to say

".....or if the President on a count at any time during a sitting ascertains that 15 members are not present he shall adjourn the Council till the next day on which the Council ordinarily sits."

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): May I draw the attention of Mr. Asan to the expression 'the time appointed for holding a meeting on any '*day*,' in Standing Order 15?

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): A particular time can be appointed only with reference to a particular day. It cannot be appointed for so many days together. The usual notice of meetings that we get is that the meeting would take place at 11·30 A. M. on a particular date, that it would continue for some days, that the first two days would be devoted for official business and that the remaining days for non-official business. That also clearly shows that, *all* the days of a meeting *together* comprise the meeting. The latter part of Standing Order 15 runs thus:—

".....or if the President on a count at any time during a sitting ascertains that 15 members are not present he shall adjourn the Council till the next day on which the Council ordinarily *sits*."

LIBRARY ARCHIVES Kerala Legislative Assembly

[Mr. A. S. Damodaran Asan.]

The word used is '*day*' and not 'meeting'.

One other point which I wish to submit is this. The Law Member says that the word '*meeting*', as it occurs in our Rules and Standing Orders, is capable of my interpretation also. But the unfortunate thing about it is that that interpretation is to be put upon the word only in those cases in which notice is due from the non-official side. In the case of Mr. A. G. Menon's Kanapattom Bill, the Bill was not allowed to be introduced on the mere ground that fourteen clear days' notice, *counting from the date of the first day's sitting*, had not been given. So if the Law Member seriously contends that the word '*meeting*' so far as our Rules and Standing Orders are concerned, has two meanings, what I have to submit is that he must take the earliest opportunity to see that our Rules and Standing Orders are properly amended. I now find that this double meaning that he seeks to put upon the word acts prejudicially to the interests of the non-official side. He should not apply the same word for *cutting our throats* and for *benefiting Government*.

**DEPUTY PRESIDENT**: That is rather strong and un-parliamentary language.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): As far as my knowledge goes I do not think it is un-parliamentary language.

**DEPUTY PRESIDENT**: Do not *discuss* the question with me, Mr. Asan.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): We know how much public interest has suffered by the postponement of the introduction of the Kanapattom Bill on account of the interpretation put upon the word '*meeting*' by the learned Law Member at the time the Bill was sought to be introduced. I would have used a stronger expression than the one I used a little while ago if only I could command a stronger expression.

So, what I submit is that, if the Law Member sincerely believes that the word '*meeting*' is capable of two interpretations, the earliest opportunity should be taken to amend our Rules and Standing Orders.

**DEPUTY PRESIDENT**: Have you anything to say about Rule 28, Mr. Asan?

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): No.

**MR. A. THANU PILLAI** (*Trivandrum*): Have I your permission Sir, to speak on the point of order?

**DEPUTY PRESIDENT**: I do not want to rule you out if you are going to contribute something useful to the discussion.

**MR. A. THANU PILLAI** (*Trivandrum*): I am inclined to take Mr. Asan's view as to the meaning of the word '*meeting*' in Standing Order 42. The Rules and Standing Orders referred to by the Law

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Member can be explained consistently with that view. Rule 23 reads thus:—

"The presence of at least fifteen members is necessary to constitute a meeting of the Council for the exercise of its powers."

There is nothing in it to show that the word '*meeting*' means a *day's* meeting.

**DEPUTY PRESIDENT**: I suppose, Mr. Thanu Pillai, you will concede that our Rules and Standing Orders, and the Regulation do not use the word '*meeting*' in a uniform sense throughout. Will you not concede that? Because, in the Rules, Standing Orders and Regulation in some instances the word clearly means a *day's* meeting and in others several days' sittings together.

**MR. A. THANU PILLAI** (*Trivandrum*): To me it appears that it is maintainable that the term has been used in a uniform sense throughout. That is what I am trying to establish. This is what we find in Standing Order 15.

"If within half an hour from the time appointed for holding a meeting on any *day*....."

Now, the Law Member relies on the expression 'holding a meeting on any *day* and says that it means only a day's sitting. I take a different view. The same meeting may be held for a number of days consecutively. We do hold the same meeting for days together.

The meeting goes on for a number of days. If on any particular day it is seen that the required quorum is not present the meeting will be continued the next day. My question is what is there in this Standing Order to show that a meeting on any day means a meeting restricted to a particular day alone. What is there in the language to warrant the interpretation put upon it by the Law Member? It seems to me that there is nothing whatsoever in that Standing Order to suggest that a 'meeting' can mean a meeting restricted to a particular day.

**DEPUTY PRESIDENT**: Is there anything fresh, Mr. Thanu Pillai, to strengthen Mr. Asan's position?

**MR. A. THANU PILLAI** (*Trivandrum*): Rule 28 says that

"the President may direct the member to absent himself from the meeting for any period not longer than the remainder of the session, and the member so directed shall absent himself accordingly."

Now the use of the expression 'for any period not longer than the remainder of the session' can be clearly explained because in the same session there may be more than one meeting. There is absolutely nothing against that interpretation. As for our Council the number of meetings is restricted. But the Law member may say..... .....

**DEPUTY PRESIDENT**: That question does not arise.

**MR. A. THANU PILLAI** (*Trivandrum*): I am referring to what is actually happening. There may be 2 or 3 meetings in one Session. Even under restricted conditions this is the second meeting of the Session;

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**MR. S. PIRAVIPERUMAL PILLAI** (*Commerce and Industry, South*): Is it the member's contention that this should be called the 10th day of the meeting if every day's sitting is called a meeting? In that case this ought to be the 10th meeting.

**MR. A. THANU PILLAI** (*Trivandrum*): Yes. Standing Order No. 26 says "the meeting or business shall be adjourned or postponed."

**DEPUTY PRESIDENT**: Does it mean that the rest of the sittings of the Council are not to be meant? That is the real difficulty.

**MR. T. C. KESAVA PILLAI** (*Kalkulam* cum *Vilavankod*): Is Mr. Thanu Pillai aware that the President towards the close of every day's proceedings announces "we shall adjourn today and meet again tomorrow morning at 11-30"? Does the member think that it is a separate meeting or a continuation of the same meeting?

**MR. A. THANU PILLAI** (*Trivandrum*): Continuation of the same meeting.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): Does the member know that in the summons issued to the members it is stated that "the second meeting of the Travancore Legislative Council shall commence from Wednesday the 1st Edavam to Monday the 6th Edavam in the Victoria Jubilee Town Hall." Does it not mean that it comprises one meeting?

**MR. A. THANU PILLAI** (*Trivandrum*): Exactly.

**DEPUTY PRESIDENT**: You adjourn the day's meeting.

**MR. A. THANU PILLAI** (*Trivandrum*): The same meeting is continued thereafter.

**DEPUTY PRESIDENT**: So it means the adjournment of the business for the day and not the whole continuous sitting of the session?

**MR. A. THANU PILLAI** (*Trivandrum*): It is said that the meeting is adjourned *for the day*. So the idea is that the meeting is a continuous sitting.

Then I come to Standing Order No. 42. The Law Member argued that the term 'meeting' is used in more senses than one. Even assuming that it is so, what is there in the Standing Order to show that a 'subsequent meeting' referred to is the next day's sitting and not a meeting that comes after a series of days for which there is continuous sitting. Is there anything to show 'for the next day' and not 'for the next meeting' as I contend? My submission is that there is absolutely nothing in the Standing Order to show that.

I referred to the Standing Orders he relied on. None of these will help him. A meeting can only mean a meeting in the sense which I put upon the term and that also accords with convenience and common sense better.

**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*): One point I want to bring to the notice of the President before a ruling is made. Ordinarily according to the English meaning of the word when two

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persons meet together it is a meeting. For the purpose of the Legislative Council if the required number of members do not meet, it may not become a meeting. According to Rule 22 of the revised Electoral Rules, for every day's meeting, according to the other meaning, a fresh oath will have to be taken by every member on all days.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Not at *every* meeting.

**DEPUTY PRESIDENT**: He has to do it once for all.

**MR. K. P. NILAKANTA PILLAI** (*Chirayinkil*): Then, according to the present interpretation, what is the difference between a sitting and a meeting? That is what I am unable to understand.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): Sir, I will just draw your attention to Standing Order No. 56 which I have not mentioned and which runs as follows. There, reference is not made to the meeting but the meeting on which the demand is to be considered. The word used there is 'day'.

> "If notice of a motion to omit or reduce any grant has not been given five clear days before the day on which the demand is to be considered any member may object to the moving of the motion and such objection shall prevail unless the President in the exercise of his power to suspend the Standing Order allows the motion to be made."

**DEPUTY PRESIDENT**: Mr. Kayalam Paramesvaran Pillai moved that the Census Bill be taken up and finally passed today. Mr. Damodaran Asan raised a contention that it is not open to the Council to pass the Bill finally in this sitting as under Standing Order 42 such a motion can be considered only at a subsequent meeting. Mr Asan's contention is that the meeting today is only a continuation of yesterday's meeting and it does not meet the requirements of the words "subsequent meeting" as defined in Standing Order 42. Both Mr. Damodaran Asan and Mr. Kayalam Paramesvaran Pillai were allowed to argue the question at considerable length, and have evinced great learning and research in the maintenance of their respective positions. Messrs. Thanu Pillai, Piraviperumal Pillai and K. P. Nilakanta Pillai also contributed to the discussion. After listening to the arguments addressed by them to the Chair on the question of Order and after bestowing my most careful attention, the conclusion that I arrive at is that the word "meeting" is not used in a specific or uniform sense in the Regulation, Rules and Standing Orders. I think the several Standing Orders and Rules quoted by Messrs. Damodaran Asan, Piraviperumal Pillai and Thanu Pillai show that in some instances what is contemplated by legislation is a "days' sitting'. In other instances the only conclusion possible is a series of consecutive sittings apply to the continuation of the meeting yesterday. Mr. Paramesvaran Pillai conceded very fairly that that word is capable of the interpretation put upon it by Mr. Asan. But he said that it is not the only interpretation that can be placed upon that word. In his view, in the Rules and Standing Orders unfortunately the word "meeting" has no



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[Deputy President.]

been defined in a way that could exclude any ambiguity on the subject. The only safe criterion under the circumstances will be to enforce that interpretation which will further the interest of legislaive work. The Census Bill was introduced in the Council yesterday. The ordinary Standing Orders were suspended. The Bill was taken up for consideration It is perfectly a non-contentious measure. Steps have to be taken by the Executive Government to carry out the provisions contained in the Bill at the earliest date possible. It does not strike me that the rights of the House will in any way be seriously prejudiced by accepting Mr. Paramesvaran Pillai's motion. Taking the usage of this House in the past and the usage of other Assemblies, it appears to me that there is nothing positively against the acceptance of the interpretation put by Mr. Kayalam Paramesvaran Pillai. I agree with Mr. Asan in thinking that a simple matter like this ought not to have taken so much time of the Council and it is open to the executive Government at the earliest stage to so amend the Rules that the members of the House may know exactly where they stand in the matter of the maintenance of their rights and privileges. I overrule the objection raised by Mr. Asan. I allow Mr. Paramesvaran Pillai's motion.

**MR. C. S. KRISHNASWAMI AIYAR** (*Ag. Financial Secretary to Government*): I second the motion.

**DEPUTY PRESIDENT**: May I take that the House agrees to the motion?

The motion was passed.

## THE REVENUE RECOVERY REGULATION AMENDMENT BILL.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Sir, I rise to introduce a Bill to amend the Travancore Revenue Recovery Regulation. The Bill has already been published in the Gazette with a statement of objects and reasons. I now beg to move that the Bill be read in Council.

**MR. C. S. KRISHNASWAMI AIYAR** (*Ag. Financial Secretary to Government*): I second it.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): This Bill relates to an amendment of Section 58 of the Regulation which lays down that the Government may by a notification in the Gazette —

**MR. S. PIRAVIPERUMAL PILLAI** (*Commerce and Industry, South*): Will the Law Member explain the practice in Legislative matters in regard to the introduction of a Bill when copies of it are not circulated?

**DEPUTY PRESIDENT**: How does the question arise, Mr. Piraviperumal Pillai?

**MR. S. PIRAVIPERUMAL PILLAI** (*Commerce and Industry, South*): A copy was not received.

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